

## FACT SHEET – Oregon and Washington CZARA Needs

**QUESTION:** When will EPA make final decisions on Oregon and Washington's Coastal Nonpoint Programs under the Coastal Zone Management Act (CZARA) program?

**ANSWER:**

- **Both WA and OR have made major progress towards development of their coastal nonpoint programs. As described below there remains need for further action in a few areas in each state.**

# Non-Responsive

- On December 20, 2013, EPA and NOAA jointly issued an intent to determine that Oregon has failed to submit an approvable Coastal Nonpoint Program, and inviting public comment in the Federal Register. NOAA and EPA committed in a settlement agreement with Northwest Environmental Advocates to make a final decision on Oregon's Coastal Nonpoint Program by May 15, 2014. To address the unmet conditions identified in the Federal Register notice, Oregon needs to adopt more protective forestry practices, improve its management measures to address sediment runoff from new development, and enhance its practices to ensure on-site disposal systems are maintained properly. EPA and NOAA are working with Oregon towards these improvements, though it does not currently appear that the State will meet each of the conditions by May 15, 2014. EPA and NOAA will be making some discussions about timing for final action before then.. **BACKGROUND**

# Non-Responsive

- The timing for EPA and NOAA decision-making on the Oregon Coastal Nonpoint Program is addressed in the terms of the settlement agreement. EPA and NOAA committed to make a final decision by May 15, 2014. **Ex. 5 - Deliberative**  
**Ex. 5 - Deliberative**  
**Ex. 5 - Deliberative** If Oregon does not make satisfactory improvements to its forestry practices and the new development and on-site disposal management measures, and EPA and NOAA make final determinations that Oregon failed to submit an approvable program, the

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agencies would be obliged to withhold federal grant funds under CWA section 319 and CZMA section 306, respectively. The total amount of funds withheld could range between \$900,000 to approximately \$1.2 million a year. EPA has devoted about 2.5 FTE to this work and will need to do so for the remainder of the year.

- Congressional Inquiries. The Oregon Congressional delegation has expressed interest in this Oregon CZARA issue. NOAA and EPA provided a briefing to the delegation.

## RESOURCES

(Dollars in Millions):

Approp.	FY 2013 Enacted		FY 2014 Enacted		FY 2014 Pres Bud	
	\$	FTE	\$	FTE	\$	FTE
EPM	\$0.0M	3.0	\$0.0M	3.0	\$0.0M	3.0
S&T						
SF						
<b>Total</b>	<b>\$0.0M</b>	<b>3.0</b>	<b>\$0.0M</b>	<b>3.0</b>	<b>\$0.0M</b>	<b>3.0</b>

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**ANSWER:**

- Both WA and OR have made major progress towards development of their coastal nonpoint programs. As described below there remains need for further action in a few areas in each state.

# Non-Responsive

- On December 20, 2013, EPA and NOAA jointly issued an intent to ~~disapprove~~ determine that Oregon's has failed to submit an approvable Coastal Nonpoint Program, and inviting public comment in the Federal Register. NOAA and EPA ~~are under-committed in a settlement agreement obligation~~ with Northwest Environmental Advocates to make a final decision on Oregon's Coastal Nonpoint Program by May 15, 2014. To ~~reverse~~ address the ~~unmet conditions identified the Federal Register notice~~ proposed disapproval, Oregon needs to adopt more protective forestry practices, improve its management measures to ~~address management~~ sediment runoff from new development, and adopt ~~better~~ enhance its practices to ensure on-site disposal systems are maintained properly. EPA and NOAA are working with Oregon towards these improvements, though it does not currently appear that the State will meet each of the conditions by May 15, 2014. EPA and NOAA will be making some discussions about timing for final action before then. ~~If significant progress is made, EPA and NOAA may seek a delay for our final action.~~

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### • BACKGROUND

# Non-Responsive

Comment [LH1]: Inadvisable to speculate on outcome of the settlement agreement

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obliged committed to make a final decision by May 15, 2014, d

**Ex. 5 - Deliberative**

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**Ex. 5 - Deliberative**

If Oregon does not make the

necessarysatisfactory **improvements** to its forestry practices and the new development and on-site disposal management measures, and EPA and NOAA make final determinations that Oregon failed to submit an approvable program, the agencies would will be obliged to disapprovewithhold federal grant funds under CWA section 319 and CZMA section 306, respectively Oregon's program. Disapproval means that EPA and NOAA will be required to withhold grant dollars. The total amount of funds withheld could range ~~from~~ between \$900,000 to approximately \$1.2 million a year. EPA has devoted about 2.5 FTE to this work and will need to do so for the remainder of the year.

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- Congressional Inquiries. The Oregon Congressional delegation has expressed interest in this Oregon CZARA issue. NOAA and EPA provided a briefing to the delegation.

**RESOURCES**

(Dollars in Millions):

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